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THE TECHNIQUE OF EMOTIONAL APPEAL IN CICERO'S JUDICIAL SPEECHES

That Cicero was the greatest of Roman orators, in fact one of the greatest orators that the world has produced, has been universally recognized from Cicero's own time until the present day, but his readers have been satisfied to take his greatness for granted. Not until very recent times has any serious effort been made to study the technique of this great orator¹, to examine minutely the devices through which he secured the effects to which he owed his success in his lifetime and his fame with posterity, the fame he so eagerly craved. It is now recognized that these amazing effects are not the unpremeditated product of unconscious genius, the spontaneous outpourings of righteous emotion, but the result of a conscious technique, in which every detail is carefully worked out according to definite rules, a technique in which as little as possible is left to chance, in which every effect of spontaneity is the result of painstaking preparation.

In this brief paper it will, of course, be impossible to consider Cicero's technique as a whole, for that could well be the subject of a volume, a volume which, incidentally, needs still to be produced, for, although numerous books have been written about many aspects of Cicero's work, none has yet dealt comprehensively with his technique as an orator.

At the outset we should bear in mind certain essential differences between the ancient and the modern concepts of oratory.

First, the ancient orator laid greater stress on form, whereas the modern orator stresses substance^{2a}. The accomplished orator of Greece and Rome paid careful

attention to artistic arrangement, to balance of sentences, to fine effects of emphasis, to meticulous choice of words, and to the securing of harmonious combinations of words. Hence the ancient oration was more often a work of art than is the speech of a modern orator. In fact, rarely does the modern criminal lawyer publish his court orations as works of literature, whereas in antiquity most great lawyers regularly published their speeches of this sort³.

Secondly, the ancient orator tended to be more personal than would be considered proper in modern times, that is, he might dwell more upon personalities than upon issues⁴. Hence spring the more frequent references to himself and his own achievements, for modesty in referring to oneself was not yet recognized as a virtue. Hence comes also the more extensive use of invective and of coarse personal abuse. The Greeks and the Romans were much less sensitive about such matters than we are; in classical times one could in public call a man a liar and a libertine without losing his friendship⁵. Accordingly, many passages both in Demosthenes and in Cicero which seem to us disgustingly personal⁶ were not so regarded at the time they were uttered, because the airing of the unsavory secrets of an opponent's private life was considered an entirely legitimate weapon. At least the ethical, if not the artistic, standards of oratory are higher in our day. Besides, we must remember, there were in those days no laws against defamation of character.

¹Most of the extant orations of Lysias, all those of Isaeus, and many by Demosthenes were court speeches, for the most part on technical points of law. Among Cicero's extant orations at least twenty-one were court speeches. Throughout the *Brutus*, Cicero refers to numerous Roman orators whose published speeches were available to him, but are no longer extant. Appius Claudius Caecus, the censor of 312 B. C., is the first Roman known to have published his speeches. Compare Cicero, *Brutus* 61; Cato Major 16.

²In *Pro Caelio*, for example, Cicero devotes far more space to defending the personal character of Caelius and to attacking that of Clodia than to refuting the charges themselves. Of the 80 Sections of the speech, only 51-69 deal with the two specific charges, *aurum* and *venenum*. In the speeches *Pro Murena*, *Pro Sulla*, and *Pro Sestio* (I cite some of the more conspicuous examples), there are long digressions on the characters and the motives of the prosecuting attorneys or of the orator himself. Compare *Pro Murena* 23-29, 60-66; *Pro Sulla* 21-35, 40-50, 80-85; *Pro Sestio* 15-54, 119-135.

³Compare W. Warde Fowler, *Social Life at Rome in the Age of Cicero*, 106-107 (New York, Macmillan, 1909); J. J. Strachan-Davidson, *Cicero and the Fall of the Roman Republic*, 257-258 (New York, Putnam, 1903).

⁴Compare Demosthenes's derisive account, in *De Corona* 258-266, of Aeschines's career. Examples from Cicero are numerous. The speeches *In Vatinius* and *In Pisonem* consist almost entirely of personal invective, some of which is hardly agreeable reading; note e. g. the references to personal appearance and physical defects (*In Vatinius* 4, 39, *In Pisonem* 1) and to personal immorality (*In Vatinius* 11, *In Pisonem* 13), and the use of such epithets as *lairo*, *furcifer*, *belua*, *furia*, *cornifex*, *caenum*. Compare also the descriptions of Chrysogonus (*Pro Roscio Amerino* 135), of Chaerea (*Pro Roscio Comodo* 20), of Antony (*Philippics* 2.63), the reference to the illegitimate or servile birth of Erucius, the opposing lawyer (*Pro Roscio Amerino* 46), the attacks on Clodia (*Pro Caelio* 32-38, 49-50), on Clodius (*De Domo* 92, *Pro Sestio* 15-17, *Pro Caelio* 36), on Gabinius and Piso (*Pro Sestio* 17-24).

¹Some of the more important studies are F. Rohde's dissertation, *Cicero Quae de Inventione Praecepta Quatenus Secutus Sit in Orationibus Generis Iudicialis* (Regimonti Borussiae, 1903); Th. Zielinski, *Das Clauselgesetz in Ciceros Reden* (Leipzig, 1904); L. Laurant, *Études sur le Style des Discours de Cicéron* (Paris, Société Les Belles Lettres, Volume 1^a, 1928, Volume 2^a, 1926, Volume 3^a, 1927); G. Landgraf's commentary on *Pro S. Roscio Amerino*² (Leipzig, Teubner, 1914); Albert Curtis Clark's edition of *Pro Milone* (Oxford: At the Clarendon Press, 1895).

^{2a}On the importance of form in ancient oratory compare Lord Brougham, *Dissertation Upon the Eloquence of the Ancients*, in *Speeches of Henry Lord Brougham*, 4.382-385 (Edinburgh, Adam and Charles Black, 1838), and Richard C. Jebb, *The Attic Orators from Antiphon to Isaeus* 1, Introduction, lix-lxxi, (London, Macmillan, 1893).

On the greater importance of substance in modern oratory compare Lord Brougham, 4.428-429, and Jebb, Introduction, lxxv-lxxix. On this whole matter see also Lord Hewart of Bury, *Modern Oratory*, in *The English Association Pamphlet No. 74* (Oxford University Press, October, 1929).

The decline of oratory as an art in modern times is often deplored. Compare e. g. Earl Curzon of Kedleston, *Modern Parliamentary Eloquence*, 3, 4, 7, and elsewhere (London, Macmillan, 1914). One of the reasons to which Lord Curzon attributes this condition (11) is the decline of the type of education "that is based on the continuous study and knowledge of the Greek and Roman classics" and the lack of acquaintance with the great models in oratory.

Thirdly, and most important, the ancient orator appealed chiefly to the emotions of his hearers, while the modern orator professes, at least, to appeal to their intellects⁶. The logical accuracy and the close reasoning which characterize the masterpieces of modern British and American oratory are rarely to be found in an ancient oration⁷. Nor is this surprising, for the ancient Greeks and Romans were a more emotional people than are the comparatively cold Englishmen or Americans. With the Greeks and the Romans an appeal to the heart was certain to be more successful than an appeal to the reason. Hence, quite naturally, the skillful orator sought to direct his appeal where it would be most effective, for, after all, the ultimate purpose of the orator, ancient or modern, is to convince his hearers, whether he is addressing a jury or a body of voters. We find, consequently, in the orations of Cicero a large element of the purely emotional and sentimental⁸, many passages calculated to elicit tears from his hearers, passages which may leave us, his unemotional twentieth-century readers, quite cold, but we must remember that the effect must have been far different in the crowded courtroom, amid the deep excitement of a stirring trial, where the jurors had before their eyes the mourning relatives of the defendant, and ringing in their ears the harmonious cadences of a great master of pathos.

We must, therefore, judge Cicero's orations not according to the criteria of our own day and our own country, but according to the requirements of the situation in which they were delivered. That his orations were ideally adapted to the audiences which he addressed is evident from his extraordinary reputation and success, for he rarely lost a case or a cause^{9a}.

Cicero states, in more than one place⁹, that the functions of the orator are threefold, *docere, delectare, mo-*

vere, that is, to give information, to impart aesthetic pleasure, to stir the emotions. For the first of these (*docere*) a lucid exposition of the subject matter and clear, straightforward handling of the theme are essential; for the second (*delectare*) the requisites are an artistic literary style and an attractive delivery; for the third (*movere*), which is by far the most important, the orator must employ every device of his art, telling argument, skillful arrangement, effective style, impressive delivery.

Fortunately for our study of Cicero, there have come down to us several ancient works which treat in detail the rules and the devices which the orator must master¹⁰. The most important of these rhetorical works are by Cicero himself, and they include, first, *De Inventione*, on rhetorical 'invention', a handbook written by Cicero in his early twenties, secondly, *De Oratore*, on the training and the equipment of the orator, thirdly, *Orator*, a picture of the ideal orator, and, fourthly, *Partitiones Oratoriae*, a sort of catechism on the rules of rhetoric. Cicero's *Brutus*, a history of Roman oratory, also yields much valuable information on this subject¹¹.

We learn from these treatises, which are to a large extent influenced by the rhetorical works of the Greeks, that an oration had six parts¹²: the *exordium*, or introduction; the *narratio*, or exposition of the situation; the *partitio*, or outline of the heads (usually three) under which the argument would be treated (this part is often omitted); the *confirmatio*, or affirmative argument; the *refutatio*; and, lastly, the *peroratio*, or emotional conclusion. Each of these parts had its own elaborate rules. I shall here consider only—and briefly—the rules for the *exordium* and the peroration, since in these parts Cicero's strength as an orator can most easily be demonstrated.

In the treatise *De Inventione*¹³ Cicero states that the *exordium* is that part of the oration which properly prepares the auditors for the main speech which is to follow, and that, in order to secure this result, the speaker must make his hearers *benevoli, attenti, dociles*,

⁶Over and over Cicero insists that the power of appealing to the emotions is the orator's most important asset. See *De Oratore* 1.17, 53, 60, 2.178, 215; *Brutus* 276, 279, 322; *Orator* 69.

⁷On the stressing of rational appeal in modern oratory compare Lord Brougham's Dissertation (see note 1a, above), 429, and Jebb, *Attic Orators*, 1, Introduction, lxxvii (see note 1a, above). Henry Hardwicke, in *History of Oratory and Orators*, 84 (New York, Putnam, 1896), quotes Dr. Hugh Blair's comparison of modern with ancient oratory: "Modern eloquence is much more cool and temperate; and in Great Britain especially, has confined itself almost wholly to the argumentative and the rational... which aims at convincing and instructing, rather than affecting the passions". Robert Craig writes similarly in *A History of Oratory in Parliament*, 1213 to 1913, 41 (London, Heath, Cranston, and Ousley; no publication date is indicated). Modern handbooks on oratory, such as P. R. Brees and C. V. Kelly, *Modern Speaking*² (Chicago, Follett Publishing Co., 1929) and H. B. Bradbury, *The Structure of an Effective Public Speech*² (New York, Sherwood Co., 1917), make practically no reference to the emotional element. They stress rather the importance of attracting and holding the attention of the hearers, clarity of presentation, naturalness and sincerity of attitude.

⁷While the great speeches of such orators as Burke, Chatham, Disraeli, and Webster are not lacking in emotional appeal, they never digress long from the points at issue, whereas only those few orations of Cicero which are concerned primarily with technical points of law, as *Pro Roscio Comedo*, *Pro Caecina*, *Pro Tullio*, are comparatively free from what seem to us irrelevant digressions.

⁸This is especially true of the perorations of the speeches *Pro Roscio Amerino*, *Pro Fonteio*, *Pro Cluentio*, *Pro Murena*, *Pro Sulla*, *Pro Plancio*, *Pro Sestio*, *Pro Plancio*, *Pro Milone*. While Cicero's tearful perorations (*miserabiles epilogi*) seem to have been effective with juries (compare Quintilian 11.1.85 <Cicero> summus ille tractandorum animorum artifex), they were ridiculed by his opponents (*Pro Plancio* 76, 83).

^{9a}Compare J. E. Granrud, Was Cicero Successful in the Art of Oratorical?, *The Classical Journal* 8 (1913), 234-243 (especially 241-242).

⁹See *De Oratore* 2.115, 121, 128-129, 310; *Brutus* 185, 276; *Orator* 69; *De Optimo Genere Oratorum* 3. Compare also *De Oratore* 1.72, 2.159. In *De Oratore* the term *conciliare* is used instead of *delectare*.

¹⁰The most valuable Greek treatises on the technique of oratory (I do not cite those which deal primarily with literary style) are Aristotle's *Rhetoric*, the *Rhetorica ad Alexandrum* by Anaximenes of Lampsacus, and the rhetorical handbook by Hermogenes of Tarsus. In Latin, apart from Cicero's treatises, we have the anonymous *Auctor ad Herennium*, a work often attributed to Cornificius, and Quintilian's *De Institutione Oratoria*. The most important modern treatment of the subject is R. Volkmann, *Die Rhetorik der Griechen und Römer*² (Leipzig, Teubner, 1885). Valuable also are R. Volkmann and C. Hammer, *Rhetorik*³, in Iwan von Müller's *Handbuch der Klassischen Altertumswissenschaft* (Munich, Beck, 1901) and Charles Sears Baldwin, *Ancient Rhetoric and Poetic* (New York, Macmillan, 1924).

¹¹Comparatively unimportant are Cicero's *Topica*, based on a work by Aristotle, a detailed treatment of argumentation, and *De Optimo Genere Oratorum*, the Introduction to a translation of the speeches On the Crown by Aeschines and Demosthenes.

¹²The number of parts is variously given: as six in *De Inventione* 1.19 and *De Oratore* 1.143; as four, with the *partitio* omitted and the *confirmatio* and the *refutatio* taken together, in *De Oratore* 2.307, *Partitiones Oratoriae* 4, *Topica* 97-98 (compare *Orator* 122; *Ad Herennium* 1.4). The matter is discussed in Quintilian 3.9. For a detailed treatment see R. Volkmann, 123-127 (see note 10, above). The names of the parts vary, as reference to the passages cited above will reveal. For a discussion of the nomenclature see C. Causseret, *Étude sur la Langue de la Rhétorique et de la Critique Littéraire dans Cicéron*, 99-115 (Paris, Hachette, 1886).

¹³*De Inventione* 1.20. For the technique of the *exordium* (called also *prooemium* and *principium*) see *De Inventione* 1.20-26; *De Oratore* 2.315-325; *Partitiones Oratoriae* 28-30. Compare also *Ad Herennium* 1.5-11; Quintilian 4.1. The material from the Greek and Roman rhetoricians is assembled and discussed by Volkmann, 127-148 (see note 10, above).

that is, he must secure, first, their good will, secondly, their interested attention, thirdly, their readiness to receive information.

Good will (*benevolentia*) may be secured in four ways. These ways have reference, first, to the orator himself or his client, secondly, to the opposition, thirdly, to the auditors, fourthly, to the case itself¹⁴.

Under the first of these ways the orator talks modestly about himself or his client. He states that, although he realizes that he is hardly adequate to so important a task, he will do his best¹⁵. He depreciates his own ability as a speaker¹⁶. He points out the difficulties which he has to face, the obstacles put in his path by the opposition¹⁷. It is particularly important to disarm at the beginning any prejudice that may exist against himself, especially if the orator is defending a man whom he had on a previous occasion accused (as in the case of Cicero's defence of Cluentius), or if he is opposing a man toward whom he is supposed to have certain obligations (as in the defence of Murena, where Cicero opposed his friend Sulpicius). He must call attention to the wretched plight of his client and point out that he is a man of the finest character, although he is now laboring under a false accusation, and that any prejudice which may be felt against the man is due to a misunderstanding of the circumstances¹⁸.

The second way of securing the good will of the hearers, especially of the jury, is by referring to the opposition. This is done, Cicero informs us¹⁹, in three ways: by arousing against them first hatred (*odium*), secondly prejudice (*invidia*), thirdly contempt (*contemptio*). The orator seeks to arouse hatred against them by stating that they have been guilty of acts that are cruel, immoral, arrogant, malicious, outrageous, and especially by stating that they are attempting to use the members of the jury as tools in accomplishing their crimes when other methods have failed. Thus in the *exordium* of the oration for Sextus Roscius of Ameria²⁰ Cicero points out that, after an unsuccessful attempt to murder the young defendant, the opposition has trumped up against him the false accusation of parricide, hoping to accomplish the ruin of an innocent man through the medium of the laws and the jury. Secondly, prejudice is aroused against the opposition by showing that in the case before the court they are relying not on the justice of their cause, but on such weapons as coercion, political influence, wealth, bribery. A familiar

example is the case of Verres, of whom Cicero states significantly that he boasted that his wealth and his influential friends would secure his acquittal²¹. Thirdly, the orator seeks to arouse contempt against those who are on the other side by showing that they are indolent, worthless, luxury-loving, immoral, stupid²². Here the orator may indulge in biting jests and in ridicule.

The third way of securing good will involves reference to the auditors. The speaker praises the moral courage of the jury, their good judgment, their tender hearts²³; he states that this is the most select group that he has ever addressed. This must be done in a very subtle manner, we are told, so that it will not appear as flattery.

Fourthly, good will is secured by reference to the case itself²⁴. The orator points out that the cause is a just one, and is identified with the cause of all good citizens or with that of the State. He contrasts the justice of his client's cause with the injustice of the opposition. He states that his client has the support of all the best citizens²⁵.

Having secured the good will of the hearers in these four ways, the orator next seeks to secure their attention²⁶. This he does first by stating that his speech will be brief. The orator does not need to keep this promise, for he can afterwards apologize for going into more detail than was expected by saying that it will be easier for his auditors to grasp the situation if they hear all the details²⁷. Secondly, the orator seeks to secure attention by showing that this case is important, unique, incredible. There has never been so unusual a case before the courts in all the history of the State, in all the history of human civilization²⁸. The speaker may state here that this case involves not only his client, but also the welfare of his auditors, or of certain illustrious citizens, or that the safety of the individual citizen is imperilled, or that the future of the entire country is at stake²⁹.

The last part of the *exordium* makes the hearers *dociles*, that is, ready to receive the important information intelligently. The orator seeks to do this by

¹⁴In Verrem 1.2, 4, 8, 2.1.3. For other examples of *adductio in invidiam* see Pro Quintio 1-2, 9; Pro Caecilio 1-2; Pro Deiotaro 7-8.

¹⁵Examples are In Verrem 1.5; Pro Caecilio 1-2; Pro Deiotaro 3.

¹⁶De Inventione 1.22 si res ab his <auditoribus> fortiter, sapienter, mansuete gestae proferentur. . . . The following examples are found in the orations. The courage of the jury or of the presiding officer and their devotion to duty are praised in Pro Quintio 5, 10; Pro Roscio Amerino 10; Pro Cluentio 3; Pro Murena 2. Allusion is made to their good judgment, in Pro Roscio Amerino 10, Pro Rabirio Perduellionis Reo 5, Pro Milone 2, 4, Pro Deiotaro 4, to their merciful nature, in Pro Quintio 10, Pro Rabirio Perduellionis Reo 5, to their select character, in Pro Quintio 5, Pro Roscio Amerino 8, In Verrem 2.1.18, Pro Archia 3, Pro Milone 4, 5. Other examples of appeal *ab auditorum persona* may be found in Pro Roscio Amerino 11; In Verrem 1.10; Pro Cluentio 3; Pro Placco 3; Pro Plancio 2.

¹⁷De Inventione 1.23.

¹⁸The justice of the cause in contrast with that of the opposition is stressed in Pro Roscio Amerino 13; Pro Caecina 3. The support of good citizens is alluded to in Pro Roscio Amerino 1-3; Pro Caecilio 5; Pro Balbo 1; Pro Milone 3.

¹⁹De Inventione 1.23.

²⁰In Pro Cluentio, Cicero, in Section 7, promises brevity, but apologizes in advance for the necessary length of the exposition; in Section 11 he asks for indulgence. Compare also Pro Caecina 10. In Pro Roscio Amerino 9 he asks for indulgent attention in view of the difficulties of the situation.

²¹The unique character of the case is stressed in Pro Rabirio Perduellionis Reo 4; Pro Caecilio 1; Pro Milone 1; Pro Deiotaro 1.

²²Examples are Pro Roscio Amerino 12; In Caecilium 3, 6, 8-9; In Verrem 1.1, 4, 2.1.4-6, 2.3.11; Pro Caecina 5; Pro Rabirio Perduellionis Reo 1-5; Pro Murena 1; Pro Placco 3-5; Pro Sestio 1, 5; Pro Milone 3.

¹⁴De Inventione 1.22 ab nostra, ab adversariorum, ab iudicum persona, ab ipsa causa. Compare De Oratore 2.321. In De Oratore 2.322 Cicero says that these devices are not to be limited to the *exordium*, but are to be distributed through the speech.

¹⁵Examples are Pro Quintio 4; Pro Roscio Amerino 10.

¹⁶Pro Quintio 2; Pro Roscio Amerino 1, 5, 9; Pro Caecina 5; Pro Archia 1; Pro Balbo 1.

¹⁷Pro Quintio 1-3, 7-10; In Verrem 1.3, 4, 6; Pro Cluentio 2-4; Pro Rabirio Perduellionis Reo 6; Pro Balbo 4; Pro Plancio 3, 5, 6; Pro Milone 1-3; Pro Deiotaro 1-2.

¹⁸Sympathy for the defendant is aroused in Pro Quintio 10; Pro Roscio Amerino 7, 13; Pro Rabirio Perduellionis Reo 5; Pro Sulla 1; Pro Rabirio Postumo 2. The merits of the defendant are pointed out in Pro Placco 1-2; Pro Sestio 5; Pro Caecilio 1; Pro Plancio 1, 3; Pro Milone 5; Pro Deiotaro 2, 6.

¹⁹De Inventione 1.22.

²⁰Pro Roscio Amerino 6-8, 13. Other noteworthy examples of the arousing in the *exordium* of *odium* against the opposition are In Verrem 1.2 (the criminal career of Verres), 2.1.6-9 (Verres's arrogance and depravity); Pro Caecina 1-2 (the impudence and audacity of Aebutius); Pro Milone 3 (the violence of the opposition). The intended use of the jury as an accomplice by the prosecution is stressed in Pro Sestio 2.

presenting the point at issue in a nutshell and by indicating just what the jury must decide³⁰.

The rhetorical works of Cicero indicate with much detail how the exposition (*narratio*) may be treated so as to be most favorable to one's own case³¹, and then, as regards the argument proper, what types of argument are to be employed³², how they can be most effectively arranged³³ so that the weaker points of the case will be overlooked and the stronger points will be brought into the foreground, how the arguments of the opposition may be undermined³⁴, how witnesses are to be handled³⁵.

After the oration proper has been concluded, the orator throws all his art into the final appeal, or peroration³⁶. This consists often of three parts³⁷. The first is an *enumeratio*, a brief summing-up of the main arguments, done carefully, Cicero cautions, so as not to imply for a moment that the orator does not trust the memories of his hearers³⁸. The other two parts are the *indignatio*, by which indignation is aroused against the opposition, and the *conquestio*, which is the final appeal to the sympathies of the audience. It is an indication of how carefully the technique of the peroration was worked out that Cicero, in his treatise *De Inventione*, details fifteen ways (*loci*) of arousing indignation and sixteen ways of securing sympathy³⁹. Without enumerating all these, I shall cite chiefly those which are most frequently used by Cicero himself.

The methods of arousing indignation will, of course, be employed chiefly by a prosecutor, but they occasionally will serve also a speaker for the defence⁴⁰. Since Cicero's only prosecution was that of Verres, few instances of these methods of arousing indignation are found outside the Verrine Orations. Among the fifteen *loci* the most striking are the following (not all of these occur in the extant speeches). The orator will declare that the criminal acts of the defendant are of deep con-

cern to the gods or to others of great authority⁴¹. He will point out that, if this crime is not punished, others will feel that they can do the same sort of thing with impunity, that, as a result, no citizen will be safe⁴², that all honest men, even the gods themselves, are watching the outcome of this trial with anxiety, that all criminals are watching the trial with anticipation, ready to let loose their savage fury if the jury does not act with firmness⁴³, that a courageous and uncompromising decision will put an end to this evil situation⁴⁴. He will point out further, if the situation warrants it, that the crime was one of cold premeditation and not the rash act of a thoughtless moment⁴⁵. He will amplify any element of violence or of cruelty⁴⁶. If the crime was committed against a near relative, or a friend, or a host or a guest, or an old man, or a cripple, or a woman, or a child, the orator will state that the act was inhuman, that not even savages or wild beasts would be guilty of so heinous a deed⁴⁷. He will compare this crime with other crimes and show that this is far more outrageous and horrible than any other crime that has ever been committed, that it is, in fact, absolutely without precedent⁴⁸. He will vivify and amplify each detail of the crime with exclamations of horror⁴⁹. He will stress the fact that this scoundrel by his haughty and arrogant attitude is adding insult to injury⁵⁰. He will call upon the jurors to imagine themselves in the place of the victim; he will implore them, if the victim was a child, to think of their own children, if the victim was a woman, to think of their own wives, if the victim was an old man, to think of their own parents⁵¹.

It was in the concluding portion of the peroration, the *conquestio* or *commiseratio*, that Cicero's art was most effective. As a lawyer who rarely conducted a prosecution, but appeared almost invariably for the defence, he used every device in his power to arouse sympathy for his client. So successful was he in appealing to the emotions of a jury that, when, as often happened, more than one lawyer spoke for the defence, Cicero was always selected to make the concluding speech⁵². Here Cicero's style is seen in its most brilliant form, with its rich, flowing periods, its musical cadences, its crashing climaxes, which held his hearers fascinated, and so overwhelmed them that the arguments of the

³⁰*De Inventione* 1.23. Clear-cut examples are hard to find. Compare *Pro Tullio* 7; *Pro Caecina* 4; *Pro Cluentio* 1-3; *Pro Sulla* 2; *Pro Archia* 4.

³¹For the technique of the *narratio* see *De Inventione* 1.28-30; *De Oratore* 2.326-330; *Partitiones Oratoriae* 31-32. Compare *Ad Herennium* 1.12-16. The subject is treated more fully in *Quintilian* 4.2.

³²The general subject of argumentation is treated in *De Inventione* 1.34-96 and in the whole of Book 2; *De Oratore* 2.114-216; *Partitiones Oratoriae* 5-8, 33-51, 61-138; and in the whole of the *Topica*. Compare *Ad Herennium* 1.18-27, Book 2, entire, 3.1-16; *Quintilian*, Book 5, entire.

³³Cicero's *De Inventione* was to be followed by a discussion of the arrangement of the arguments (*de dispositione*), but this was, apparently, never written. The subject of arrangement is treated in *De Oratore* 2.307-314; *Partitiones Oratoriae* 9-15. Compare *Quintilian* 7.1, and Book 7, generally.

³⁴Rules for the *refutatio* or *reprehensio* are offered in *De Inventione* 1.79-96; *De Oratore* 2.293-306; *Partitiones Oratoriae* 44. Compare *Quintilian* 5.13.

³⁵On the handling of witnesses see especially *Partitiones Oratoriae* 49-51; *Topica* 73-78. Compare *Quintilian* 5.7.

³⁶On the technique of the *peroratio*, which is called also *conclusio* and *epilogus* (compare C. Causeret, 113, as cited in note 12, above), see *De Inventione* 1.98-100; *Partitiones Oratoriae* 52-60. Compare *Ad Herennium* 2.47-50; *Quintilian* 6.1.

³⁷So in *De Inventione* 1.98. In *Partitiones Oratoriae* 52 only two parts are recognized: the *amplificatio*, which includes both *indignatio* and *conquestio*, and the *enumeratio*.

³⁸*De Inventione* 1.98-100; *Partitiones Oratoriae* 59-60. Examples of the use of the *enumeratio* in the orations are *Pro Quintio* 86-90 (here it is handled in a more obvious manner than in the later orations); *In Caecilium* 71-72; *In Verrem* 2.3.226-228, 2.5.184-189 (the gods whom Verres has outraged are successively appealed to); *Pro Pontio* 44-46 (the provinces where Pontius has served are represented as appearing to defend him); *Pro Caecina* 104; *Pro Archia* 31; *Pro Placco* 100-101; *Pro Caelio* 72-77; *Pro Balbo* 64.

³⁹*De Inventione* 1.100-109. Not all these *loci* are exemplified in the extant orations.

⁴⁰*Partitiones Oratoriae* 58.

⁴¹This is the first *locus*, *ab auctoritate*. A conspicuous example is *In Verrem* 2.5.184-189.

⁴²*Loci* III and IV. Examples are *Pro Roscio Amerino* 150-153; *In Verrem* 2.3.218-222.

⁴³*Pro Roscio Amerino* 153; *In Verrem* 2.3.219-220; *Pro Placco* 94, 105.

⁴⁴*Pro Roscio Amerino* 154; *Pro Placco* 105-106.

⁴⁵*Locus* VI. There is no example of this in the perorations of Cicero.

⁴⁶*Locus* VII. Examples are *Pro Quintio* 94-95; *Pro Roscio Amerino* 144-147, 150; *Pro Cluentio* 199-200.

⁴⁷*Locus* VIII. Examples are *Pro Quintio* 95, 97; *Pro Cluentio* 195, 199-201.

⁴⁸*Locus* IX. Examples are *Pro Roscio Amerino* 146; *In Verrem* 2.2.191-192.

⁴⁹*Locus* X. An example is *In Verrem* 2.5.184-189.

⁵⁰*Locus* XIII. Examples are *Pro Quintio* 97; *Pro Caecina* 102-103.

⁵¹*Locus* XIV. There is no example in Cicero, but a similar device is used in the *conquestio*; see below, and note 60.

⁵²*Brutus* 190; *Orator* 130. Cicero concluded the case for the defence in the trials of Murena, Sulla, Placcus, Sestius, Caelius, Balbus, Ligarius. He appears to have been the only speaker for the defence in most of the other extant forensic speeches. In the trial of Scaurus there were six speakers for the defence besides Scaurus himself, as Asconius's argument to the speech reveals. That Cicero was the concluding speaker in this case also may be presumed from his usual practice.

other side were forgotten and their hearts were melted with compassion for the unhappy victim whom they alone could save. It should be noted here that a final appeal of this type was all the more effective with a Roman jury, which cast its ballots immediately upon the conclusion of the case with no opportunity for retiring and coldly deliberating together on the evidence⁵³. We must remember also that a unanimous vote was not required, as with us, but that the vote of a majority was sufficient for a verdict⁵⁴. If, therefore, the orator could stir the emotions of more than half of his jury, his case was won.

Of the sixteen ways of securing sympathy which Cicero enumerates⁵⁵, the following are especially worthy of mention. Point out, Cicero advises, if possible, that your client, who was recently so prosperous and so fortunate, is now reduced to poverty and misfortune, for nothing so arouses pity as wretchedness which follows good fortune⁵⁶. Enumerate the misfortunes through which he has passed, or is about to pass⁵⁷. State that he least of all men deserves such misfortune, because he is a man of the finest character, or because he has done noteworthy services to the State⁵⁸. Point out that misfortune has befallen him when he had reason to expect the contrary⁵⁹. Implore the jurors to picture their own dear ones, their children or their parents, in a similar situation⁶⁰. In a case where the penalty is exile, dwell upon the heartbreaking aspects of separation from one's parents, children, brothers, friends⁶¹. Show that your client has been wronged by those from whom he should least of all have expected such treatment (relatives, friends, or persons whom he had benefited⁶²). Appeal in the humblest manner to the compassion of the jurymen⁶³. Conclude by saying that this unfortunate man will accept courageously and without resentment whatever happens⁶⁴. Cicero notes that in many cases fortitude and a noble spirit of resignation will be even more effective than humility and entreaty⁶⁵. In desperate cases this final appeal can be made more potent if the

pleader takes by the hand the little son of the defendant or points to his aged father or sorrowing mother⁶⁶, or pretends that his voice is so choked with tears that he is unable to proceed with his speech⁶⁷. The orator is cautioned, in this connection, not to dwell long on his emotional appeal, but to stop as soon as his hearers are worked up, because, Cicero remarks, nothing dries more quickly than a tear, especially a tear shed in connection with the misfortunes of others⁶⁸.

I shall not touch here on the suggestions which Cicero offers for delivery⁶⁹, especially the modulation of the voice, types of gestures, walking up and down the platform, or, on occasion, stamping the foot or smiting the thigh⁷⁰, nor shall I cite the elaborate rules which he lays down for choice of words, figures of speech, sentence-structure, rhythmic effects⁷¹. I have sought merely to indicate that Cicero's success as an orator was due not only to his great natural genius for oratory, but also to the fact that he had mastered the technique of his profession.

UNIVERSITY OF TEXAS

HARRY J. LEON

REVIEW

Cato the Censor on Farming. Translated, With Introduction and Commentary. By Ernest Brehaut. New York: Columbia University Press (1933). Pp. xlv, 156. \$3.75.

Professor Brehaut's volume, presenting for the first time in more than a century¹ a complete translation into English of Cato's agricultural treatise, is Number XVII in the Series entitled Records of Civilization, edited under the auspices of the Department of History of Columbia University.

¹He so uses the defendant's child in Pro Sulla 88-89, Pro Placco 106, Pro Sestio 144, 146, Pro Scauro 49; the father, in Pro Caelio 79, Pro Plancio 102; the mother, in Pro Fonteio 46; the sister (a Vestal Virgin), in Pro Fonteio 46-48; mourning friends in Pro Sestio 144-145, Pro Rabirio Postumo 48. Cicero's own grief is used as a device for sympathy in Pro Sestio 145-147; Pro Plancio 101-104; Pro Rabirio Postumo 47; Pro Milone 95, 99-100, 102-103. In Pro Plancio 104 Cicero calls attention to the tears of the jurymen; in Pro Cluentio 197, having no suitable relatives or friends available, he effectively points to the tears of the defendant's fellow-townsmen, who, at the orator's request, rise in the courtroom during the reading of an official eulogy of Cluentius from their local magistrates. When he is speaking before Caesar, however, in the defence of King Deiotarus, Cicero declares that he may here dispense with such appeals for sympathy: Pro Deiotaro 40.

²This extreme play for sympathy is found in Pro Sulla 92; Pro Plancio 104; Pro Rabirio Postumo 48; Pro Milone 105. It is perhaps significant that these highly emotional devices are particularly frequent in the later speeches.

³Lacrima nihil citius arecit. De Inventione 1.109, where the dictum is attributed to Apollonius. It is more fully expressed in Partitiones Oratoriae 57 Cito enim exarescit lacrima, praesertim in alienis malis.

⁴Cicero treats the matter of delivery (*actio*) in De Oratore 3.213-227; Orator 54-60. Compare also Ad Herennium 3.19-27. The fullest treatment of the subject is in Quintilian 11.3; there many illustrations from Cicero are cited.

⁵Cicero found fault with Calidius for not smiting his brow or his thigh, and for not stamping his foot in a situation calling for emotional display (Brutus 278).

⁶For Cicero's principal discussions of the orator's literary style see De Oratore 3.37-212; Orator 61-236; Partitiones Oratoriae 16-24. Especially noteworthy are his treatments of choice and arrangement of words, in De Oratore 3.149-172, Orator 149-164; of figures of speech, in De Oratore 3.155-170, 202-207, Orator 80-84, 92-94, 134-139; of prose rhythm, in De Oratore 3.173-198 and Orator 164-236.

⁷The last complete translation of Cato into English was that of Thomas Owen, M. Porcius Cato Concerning Agriculture (London, 1803). The admirable work of "A Virginia Farmer" (= Mr. Fairfax Harrison), Roman Farm Management, With Notes of Modern Instances (New York, Macmillan, 1913), contains a translation of selected chapters of Cato's treatise.

⁵³For a discussion of this point see A. H. J. Greenidge, Legal Procedure of Cicero's Time, 496-497 (Oxford: At the Clarendon Press, 1901).

⁵⁴The defendant was acquitted unless a majority voted for conviction or for a retrial. Compare Greenidge, 497 (see note 53, above).

⁵⁵De Inventione 1.106-109. The subject is treated more concisely in Partitiones Oratoriae 55-57.

⁵⁶Locus I. Compare Partitiones Oratoriae 57 Nihil est enim tam miserabile quam ex beato miser. Examples from the orations are Pro Quinctio 98; Pro Roscio Amerino 144-145; Pro Murena 86, 88-89; Pro Sulla 88, 89, 91.

⁵⁷Locus II. Examples are Pro Quinctio 95, 98; Pro Roscio Amerino 145; Pro Murena 88-89; Pro Sulla 88. In Pro Sestio 145 Cicero enumerates his own misfortunes.

⁵⁸Locus IV. This is a common motif. Examples are Pro Fonteio 41-46, 49; Pro Cluentio 196; Pro Rabirio Postumo 45, 48; Pro Murena 87, 89, 90; Pro Placco 101-105; Pro Sestio 144; Pro Caelio 77; Pro Rabirio Postumo 45, 48; Pro Milone 94-98, 104. The services of the defendant to Cicero are recalled in Pro Sestio 145-147; Pro Plancio 102; Pro Rabirio Postumo 47; Pro Milone 94, 102.

⁵⁹Locus VI. An example is Pro Milone 94.

⁶⁰Locus VII. An example is Pro Caelio 79.

⁶¹Locus XII. Since the normal penalty in a capital case was exile, the orator had many opportunities to use this motif: compare Pro Fonteio 46-48; Pro Sulla 89; Pro Placco 106; Pro Sestio 146; Pro Caelio 79-80; Pro Rabirio Postumo 48; Pro Milone 99, 101-103. In Pro Murena 89 Cicero describes the pitiable spectacle of Murena as an exile in those lands where he had recently been honored, and there encountering his heartbroken brother.

⁶²Locus XIII. Examples are Pro Quinctio 95-96; Pro Cluentio 195, 200.

⁶³Locus XIV. Examples are Pro Roscio Amerino 150; Pro Cluentio 200-202; Pro Murena 90; Pro Placco 106; Pro Caelio 79-80; Pro Plancio 102; Pro Milone 92.

⁶⁴Locus XVI. Examples are Pro Placco 104; Pro Milone 101, 104.

⁶⁵De Inventione 1.109.

The translator is well equipped for his task. A classicist by early training and experience, then historian and political economist, he has frequently combined with his later studies his earlier interest in classical lore.² His work reveals, too, another important requisite for a sympathetic treatment of his author, what is noted in the "Editor's Foreword", by Professor Austin P. Evans, General Editor of the Series, as "that close touch with the land and appreciation of farm problems so essential to an understanding of Cato's whole point of view".

The book is a welcome contribution to studies in ancient agriculture. The Introduction (xiii-xlv) deals with the region of Cato's agricultural activities (xiv-xv), an analysis^{2a} of the *De Agri Cultura* (xvi-xxiii), the type of farming (xxiii-xxv), the rural labor system (xxv-xxviii), the organization of the calendar (xxviii-xxli), and farm religion (xli-xlv). Copious footnotes accompanying the translation supply much illustrative material drawn from ancient and modern authorities on agriculture. Dr. Brehaut's acquaintance with recent literature on Roman husbandry, particularly with the studies of Hörle³ and Billiard⁴, is evident. Seven Illustrations add to the attractiveness of the book; these, with a page (xlv, not numbered) of definitions of ancient measures, weights, and money, assist the reader to a better understanding of the more technical aspects of Cato's work. A Selected Bibliography (147-150) and a very serviceable Index (151-156) complete the volume.

Dr. Brehaut's version follows the text of George Goetz (Leipzig, Teubner, 1922), which is itself a second revision, by Goetz, of the great edition of Heinrich Keil (Leipzig, 1884-1894). Occasional departures from this text, in reading or in punctuation, are indicated in the commentary. The translation is well done, on the whole, in simple, unadorned language befitting the matter-of-fact character of the original. Here and there an expression may be translated with unwarranted fullness for the sake of clarity, e. g. "one bronze cauldron for concentrated wine" for *ahenum coculum* (11.3), and "rack suspended from the ceiling" for *carnarium* (13.1; 14.2). On the other hand there are occasional instances of severe literalness, as "What the bad things in a grain field are" for *Quae mala in segete sint* (37.1).

The well known difficulties in translating Cato become increasingly apparent to one who wrestles with his work *in toto*. The imperfect condition of the text, its large dependence upon conjectural emendation, its technical vocabulary and puzzling syntax must often send the translator on a laborious, and sometimes fruitless, search through kindred writings for light on the

interpretation of even a single expression. It is inevitable, then, that there should be more or less important differences of opinion on several points, of which a few may be mentioned.

1.5 *Instrumenti ne magni siet, loco bono siet. Videto, quam minimi instrumenti sumptuosusque ager ne siet*⁵. The first sentence is not translated by Dr. Brehaut^{6a}; marks of omission appear instead. A later note indicates agreement with Schneider⁶ and "an earlier commentator <Pontedera>" that the sentence is spurious. The second sentence Dr. Brehaut then renders by "Take care that it is not a farm requiring the least possible equipment and expense"; he read *sumptus* for *sumptuosus* and believed the thought as the text stands to be contradictory and untranslatable. Gesner's⁷ interpretation of the sentence with which in his text Section 6 begins may deserve more consideration on this point: "Haec non pugnant iis, quae s. 5 dixerat de paucitate doliorum. *Instrumenti* enim vox multo patet latius & comprehendit, quae v. g. noster c. 10 & 11 complectitur. . . Ille igitur ager haud dubie melior, qui eosdem fructus minori instrumento cultus reddit. Huc pertinent ea, quae sequuntur". In *quae sequuntur* there is much common sense. Keil, too, finds the repetition of ideas not inconsistent with Cato's style. Varro (*Res Rusticae* 1.22.1-2) advocates thrift in the matter of the *instrumentum*, urging that all possible equipment be made on the farm and that necessary purchases from outside be made with an eye to utility and economy rather than to show.

1.7 *silva caedua* is incorrectly translated by "forest trees to furnish foliage". A footnote (9, on page 4) deals with the practice of harvesting leaf fodder, and includes the statement: "... In comparison with the foliage the wood of the trees thus planted he regards only as a by-product (c. 6) . . ." The reference to Chapter 6 is apparently to the first sentence of § 3 of that Chapter, which Dr. Brehaut translates by "Along the boundaries and the roads plant elms and some poplars, in order to have foliage for the sheep and work oxen, and timber will be at hand if needed". With this statement it is interesting to compare Varro's comment (*Res Rusticae* 1.24.3) on the passage: *quod Cato ait circum fundum ulmos et populos, unde fro[n]s ovibus et bubus sit et materies, seri oportere (sed hoc neque in omnibus fundis opus est neque, in quibus est opus, propter frondem maxime)*⁸.

3.1 *ita aedifices, ne villam fundum quaerat <neve fundus villam>* is rendered by "Build in such a way that the farm buildings will not find fault with the farm nor the farm with the buildings". Dr. Brehaut appears to have confused *quaero* with *queror*.

5.2 . . . *consideret, quae dominus imperaverit fiant* does not mean that the *vilius* "... should keep in mind what the master has ordered to be done", but rather

²See Ernest Brehaut, *Encyclopedist of the Dark Ages*, Isidore of Seville (Columbia University dissertation, 1912); Gregorius Turonensis, Edited and Translated (New York, Columbia University Press, 1916); *Occupational Development of Roman Society About the Time of the Elder Cato*, Essays in Intellectual History (dedicated to James Harvey Robinson [New York, Harper, 1929]).

^{2a}This is an ingenious attempt to show that in Cato's apparently random arrangement of his material "a fairly systematic plan of treatment is followed throughout".

³Josef Hörle, *Catos Hausbücher: Analyse Seiner Schrift De Agricultura Nebst Wiederherstellung Seines Kelterhauses und Guts-hofes* (Paderborn, F. Schöningh, 1929).

⁴Raymond Billiard, *La Vigne dans l'Antiquité* (Lyons, Lardanchet, 1913); *L'Agriculture dans l'Antiquité d'après les Géorgiques de Virgile* (Paris, de Boccard, 1928).

⁵The text of Goetz is given for the passages cited.

^{6a}I should translate as follows: 'The place should be one of no extensive equipment, and well situated. Make sure that it is equipped with the greatest possible economy, and that the land is not expensive'.

⁶J. G. Schneider, *Scriptores Rei Rusticae*, I (Leipzig, 1794).

⁷J. M. Gesner, *Scriptores Rei Rusticae*, I (Leipzig, 1735).

⁸The text is that of George Goetz (Leipzig, Teubner, 1929).

that he should take care that what the master has ordered be done.

7.3-4. The translation of *Aniciana [et] sementiva*, in an enumeration of pears, by "the Anician pear, the pear that ripens at sowing time...", indicates that Dr. Brehaut thought here of two varieties of pears. It seems, however, that only one kind is meant, described by Pliny (*Naturalis Historia* 15.54) as ripening at the end of autumn (*Aniciana postautumnalia*). Keil removes the *et*, bracketed by Goetz, in the light of Varro, *Res Rusticae* 1.59.3, where this pear (*Aniciana sementiva*) and its uses are similarly described.

14.3. Dr. Brehaut departs, perhaps rightly, from the text of earlier editors (Gesner, Keil, Goetz: <Si de caelo villa tacta siet, de ea re> verba uti fiant; Iucundus, Schneider: <...> verba divina uti fiant) in adopting the reading of the lost Marcian codex (as attested by Politian's collation with the first edition) and the best of the extant manuscripts, *uba uti fiat*. He expands *uba* to *v(iri) b(oni) a(rbitratu)*, citing in support of his conjecture other occurrences of the expression, partly abbreviated or written out in full, in Chapters 144, 145, 148, 149.

32.2 *vites bene nodentur* is rendered by "The vines should be skilfully tied"; so below (33.1), *vitem bene nodatam deligato recte* is translated by "Tie your vines well and fasten them upright". Here Keil has demonstrated beyond question, it seems to me, that the verb *nodo* refers, not to the tying of the vines, but to the 'knots' or 'joints' (*gemmae, nodi*) of the vine itself.

50.1 *Prata primo vere stercerato luna silenti*. Quae inrigiva non erunt, ubi favonius flare coeperit, cum prata defendes, depurgato herbasque malas omnis radicatus effodito. Dr. Brehaut rejects the punctuation of Keil and Goetz, and returns to that of Schneider. He removes the point after *silenti*, prints *quae* with small initial letter, and sets a period after *coeperit*, "since *ubi favonius flare coeperit* and *cum prata defendes* indicate two distinct times..." Other passages in Cato and in Varro are cited in support of a later date for ending the pasturing of meadows, a point on which the Roman agriculturists are in general agreement for *prata inrigiva*, 'wet meadows'. But Columella distinctly says (*Res Rustica* 11.2.6-7, 27) that the period between the Ides of January and the rising of Favonius is the proper time for closing *dry* meadows and cleaning them to insure a crop of hay.

162.3. The repetition of *perunguito oleo* in successive lines of Goetz's text probably explains as an oversight the omitted translation of the words that stand between, *suspendito in fumo biduum. tertio die demito*.

It is unfortunate that a large number of the references scattered throughout the footnotes are inexact or incorrect. One who may wish to compare the text of the passage translated as Columella 2.2 (57, note 5) will search through a long chapter before finding his passage in § 27. Other slips are: page 14, note 10, Columella 18 <*sic*>. 4.5 for 2.4.5; 15, note 3, Columella 3.9 for 2.9.17; 19, note 4, Columella 10.5 for 10.106; 47, note 5, Cato 106.2 for 106; 50, note 6, Columella 6.4.3 for 6.3.4; 84, note 5, Columella 12.52 for 12.52.18-

19; 89, note 1, Varro 1.2 for 1.2.28; 144, note 5, Columella 11.3 for 11.3.43-46. There are many more.

A well known work of W. Warde Fowler is cited as "*Religious Experience of the Roman People*" (33, note 13) and "*Roman Religious Experience*" (93, note 4; 113, note 1). A prefatory note to the Selected Bibliography names Bailey's "*Standard Cyclopaedia of Horticulture*", which is mentioned elsewhere as "*Ency. of Hort.*" (144, note 2) and "*Cyc. of Hort.*" (67, note 1; 71, note 2). The reader is referred (3, note 3) to Keil's text of Varro, which is named also in the Bibliography; but no mention is made of the text of Varro as last revised by Goetz (Leipzig, Teubner, 1929). "M. Catonis" is omitted in the title of Jordan's edition of Cato as listed in the Bibliography.

The volume is attractively printed, in accord with the high standards of the Columbia University Press. Misprints are few. I have noted *lixivio* for *lixivo* (48, note 10), "c. 57" for c. 57 (78, note 2), *altecircumsodiri* (81, note 3), and *dabunter* for *dabuntur* (126, note 14).

Dr. Brehaut fully realizes that numerous textual problems in Cato must remain unsolved, and that even the accepted text is open to misinterpretation at many points. Despite these difficulties, however, and regardless of some blemishes of the sort to which all books are subject, we may say that Dr. Brehaut has produced a useful and commendable addition to Catonian studies and to the materials available for the study of ancient husbandry in general.

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JUVENAL 3.201-202

In Juvenal 3.201-202 we read as follows:

ultimus ardebit quem tegula sola tuerur
a pluvia, molles ubi reddunt ova columbae.

In their interpretations of this passage scholars seem generally to think of the pigeons as a mitigation of the woes of the poor client, who is compelled to live in a garret, though, perhaps, not all would go so far in sentimentalizing their presence as does Professor Mackail¹: "...the garret under the tiles where, just as now, the pigeons sleeked themselves in the sun and the rain drummed on the roof..." But is it not more likely that the pigeons are the culmination of the catalogue of the poor client's discomforts? Thus interpreted the verses correspond to the famous verse *et Augusto recitantes mense poetas* near the beginning of this poem (9). the culmination of the passage in which the risks of fire at Rome are pointed out².

Dwellers to-day in a great city, London, New York, Rome, can well appreciate such an allusion. Pigeons may be very charming in the country in their white dovecoats³, but in town they are an unmitigated nuisance. The first count against them lies in their dirty

¹J. W. Mackail, *Latin Literature*, 223.

²Professor Hirst's view is entirely possible. If she is right, there is the sharpest possible contrast in *tone* between verse 9, cited by her in the text, and verses 201-202: the former passage is humorous, the latter pathetic. For Juvenal's humor see e. g. a paper by Professor Frederic S. Dunn, entitled *Juvenal As a Humorist*, *THE CLASSICAL WEEKLY* 4.50-54. C. K. >.

³Compare Martial 12.31.6 quaque gerit similes candida turris aves.

habits, but it is also very unpleasant to be awakened at dawn by their loud cooing, and still louder flapping of wings. However we translate *reddunt*, the implication clearly is that the birds were in the habit of nesting on the tiles outside, and it does not need much imagination to see how unpleasant this would be for the poor client, already harassed by the noises of Rome, and unable to sleep. Compare Juvenal's words in 3.225: *magnis opibus dormitur in urbe*. The epithet *molles* may be merely reminiscent of Horace⁴; it is suitable enough, and descriptive, but it does not necessarily imply praise⁵. It would seem, then, that the pigeons may well be an item in the list of the poor man's miseries, not merely a picturesque touch in the description of Rome⁶.

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GERTRUDE HIRST

WOLVES AND MUSIC

I am told by a friend who has spent most of his life in the Orient that under ordinary circumstances a lone wolf which meets a man seeks to escape. It is merely a literary conceit, therefore, when in *Carmina* 1.22.9-12 Horace ascribes to his singing of the praises of Lalage the flight of a wolf which he encountered while he was unarmed. After the lapse of two millennia an item in *The Detroit Free Press* of March 21, 1935, attributes the similar natural reaction of a wolf to its hearing an unarmed man whistling:

Fort William, Ont., March 20—(A. P.)—The strains of "God Save the King" were too much for a wolf that menaced George Dubetz, section foreman. Dubetz, unarmed, steeled himself for the wolf's attack by whistling the National anthem. The wolf fled.

UNIVERSITY OF MICHIGAN

EUGENE S. MCCARTNEY

FELLOWSHIPS IN THE AMERICAN SCHOOL OF CLASSICAL STUDIES AT ATHENS

Three Fellowships, each with a stipend of \$1,300, are offered for 1936-1937, two in Greek archaeology and one in the language, literature, and history of ancient Greece. These Fellowships are open to graduates, and, under certain conditions, to other graduate students, men and women, of Colleges and Universities in the United States of America. The awards will be based on the results of competitive examinations which will

⁴Compare Horace, *Carmina* 1.37.18 *molles columbas*.

⁵Of course the adjective cannot be held responsible for Professor Mackail's words, "sleeked themselves in the sun."

⁶In *The New York Sun* (on a Friday in December, 1934) there appeared a short article entitled *Bryant Park's Doves Doomed*. This was called forth by an order recently issued by the Park Department of the city which forbade the feeding of pigeons in the Park. In this Park, recently reconstructed, English ivy had been planted. Many of the plants had been destroyed by the pigeons, which ate the tiny, green leaves.

be held February 10-12, 1936, at places convenient to the candidates. The examinations assume a degree of preparation which usually requires one or more years of graduate work. A statement of the requirements and copies of recent examination papers will be sent on request.

The primary object of the Fellowships is to encourage research in some field of Greek studies which can best be carried on in Greece. The Fellowships are also intended to give to advanced students of the Classics or of Greek archaeology, through organized travel in Greece, a first-hand knowledge of the land and of its more important sites and archaeological remains.

Applications, which must be made before January 1, 1936, and all inquiries for further information should be addressed to the Chairman of the Committee on Fellowships, Professor Samuel E. Bassett, University of Vermont, Burlington, Vermont.

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Fellowships in Classical Studies, probably three in number, each to run for a term of two years, are to be awarded by the American Academy in Rome. Each Fellow will receive free tuition and residence at the Academy, and an allowance of \$1400 a year. Opportunity is offered for extensive travel, including a trip to Greece. The competitions are open to unmarried citizens of the United States of America who are not over 30 years of age.

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Candidates will be required without fail to present published or unpublished papers so as to indicate their fitness to undertake special work in Rome. The Academy reserves the right to withhold an award in case no candidate is considered to have reached the desired standard. Each appointment will be made with the understanding that continuation of the Fellowship for a second year will rest entirely upon the career of the Fellow in the first year. That career must be satisfactory to the Staff of the School in Rome and to the Committee on the School of Classical Studies.

For detailed circular and application blank apply to Dr. Roscoe Guernsey, Executive Secretary of the American Academy in Rome, 101 Park Avenue, New York, New York.